

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.2615 of 1999

Between:

1. Smt V.Susheelamma, W/o Satyanarayana, R/O 14/296, East Kothapeta, Madanapalle, Madanapalle Mandal, Chittoor District.
2. Smt V.Leela Kumari, W/o Rajasekhar, R/o 14/296, East Kothapeta, Kothapeta, Madanapalle, Madanapalle Mandal, Chittoor District.

..... PETITIONERS

AND

1. The State of Andhra Pradesh, Rep. By its Chief Secretary to Government, Secretariat, Hyderabad.
2. The Special Commissioner of Land Revenue, A.P., Hyderabad.
3. The Joint Collector, Chittoor, Chittoor District.
4. The Revenue Divisional Officer, Madanapalle, Chittoor District.
5. The Mandal Revenue Officer, Madanapalle Mandal, Chittoor District.
6. Andhra Pradesh Industrial Infrastructure Corporation Limited, Chittoor, Chittoor District rep. by its Zonal Manager.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, more in the nature of writ of Mandamus, declaring the illegal and unauthorized interference of the respondents 3 to 6 relating to the property of the petitioners in S.No.708/IIA and IIB over an extent of Acs.0.99 each of Basinikonda Village, Madanapalle Mandal, Chittoor District, without following any procedure and without fixing any compensation as per law as illegal, arbitrary, unjust and unconstitutional, being violative of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents not to interfere or not

to dispossess the petitioners from their respective lands in S.Nos.708/IIA and 708/IIB over an extent of Acs.0.99 each situated at Basinikonda Village, Madanapalle Mandal, Chittoor District, and in case the respondents intend to resume the property for the alleged purpose by directing the respondents to fix and pay the equitable compensation in accordance with law or in the alternative direct the respondents 1 to 5 to consider their cases for providing of alternative sites in lieu of taking away the property of the petitioners for the alleged purpose.

Counsel for the Petitioners: MR.D.RAMESH

Counsel for the Respondent Nos.1to5: GP FOR REVENUE

Counsel for the Respondent No.6 : P.Ramabhoopal Reddy

The Court made the following :

ORDER:

The petitioners claim to be landless poor persons. On their application, they were granted D.K.T.Pattas in respect of land admeasuring Acs.0.99 each in Survey Nos.708/IIA and 708/IIB respectively. They allege that they have invested amounts and raised Eucalyptus plantation in the land. The fifth respondent herein cancelled D.K.T.Pattas on the ground that the land is required by the sixth respondent for establishing Autonagar. Against the orders of presumption of the land, the petitioners preferred Appeal before the Sub Collector, Madanapalle, which was dismissed. Again they filed Revision Petition before the second respondent, who disposed of the Appeal on 13.07.1996. The second respondent observed that as Autonagar is being established by the sixth respondent entirely on Government land, there was no necessity of cancellation of Pattas issued to the appellants.

While the proceedings were pending before the Revenue Officials, the petitioners filed suits being O.S.Nos.265 and 263 of 1992 on the file of the Court of Principal District Munsif, Madanapalle, for injunction. On 15.03.1997, these suits

were dismissed. The Appeals filed by the petitioners being A.S.Nos.81 and 82 of 1997 were also dismissed on 11.02.1998. In the meanwhile, it appears the Revenue Authorities informed the petitioners that the land has already been resumed. Therefore, they filed the present writ petition praying a Writ of Mandamus to declare the action of the respondents in trying to interfere with the peaceful possession as illegal and arbitrary.

A counter affidavit is filed opposing the writ petition. It is stated that the petitioners are trying to convert the land into house sites and that if the petitioners are permitted to do so, it would defeat the very purpose of assigning the land. There is, however, no denial of the allegation made by the petitioners that the second respondent did not feel it necessary to cancel the assignment having regard to the subsequent events.

Against the orders of the Joint Collector, Chittoor, dismissing the Appeals, the petitioners preferred Revision Petition before the Special Commissioner of Land Revenue, second respondent herein. While disposing of the Revision Petition by an order dated 13.07.1996, the second respondent observed as under.

These two plots are located in between the patta lands which are under acquisition. Thus, if it is required for development of Autonagar, there is nothing wrong if DKT pattas are cancelled. As per the conditions of patta, if land is required in future for public purpose, the patta can be cancelled and ownership of the land can be resumed by Government. **During the arguments on 30.04.1996, it was argued by the advocate for the appellants that High Court has quashed acquisition of patta lands. It was, further, stated that the Autonagar is being established in Government land only. If this is correct fact that High Court has quashed acquisition of adjacent patta land and that Autonagar is being established now entirely on Government land then there is no case for cancelling patta issued to the appellants herein.** (Emphasis supplied)

A reading of the above observation would show that though initially the land was resumed for alienation in favour of the sixth respondent for establishing Autonagar, subsequently Autonagar was established entirely on the Government land. In that view of the matter, there is no necessity for cancellation of the assignment given in favour of the petitioners, provided that they continue to use the said land only for agricultural purpose. They are not entitled to use the land for any non-agricultural purposes.

Therefore, the writ petition is disposed of directing the fifth respondent to consider the case afresh in the light of the orders passed by the second respondent on 13.07.1996. If the petitioners are still continuing in possession and also using the land only for agricultural purpose, there shall be status quo obtaining as on today.

The writ petition is accordingly disposed of.

(V.V.S.RAO,J)

21.07.2004.

pln

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Chief Secretary to Government, State of Andhra Pradesh, Secretariat, Hyderabad.
2. The Special Commissioner of Land Revenue, A.P., Hyderabad.
3. The Joint Collector, Chittoor, Chittoor District.
4. The Revenue Divisional Officer, Madanapalle, Chittoor District.
5. The Mandal Revenue Officer, Madanapalle Mandal, Chittoor District.
6. The Zonal Manager, Andhra Pradesh Industrial Infrastructure Corporation Limited, Chittoor, Chittoor District.